



HOWARD COUNTY PUBLIC WORKS BOARD

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James M. Irvin, Executive Secretary
Jacqueline Somervell, Recording Secretary

Darryl A. Stokes, Chairperson
Mitchell Smith, Jr., Vice Chairperson
Christine M. Carroll, Member
Michael A. Higgins, Member
Lisa S. Spitulnik, Member

Minutes of the Howard County Public Works Board – April 14, 2009 and Public Works Board Conference Call – May 4, 2009

Members present: Darryl Stokes; Mitchell Smith, Jr.; Michael Higgins, Christine Carroll and Lisa S. Spitulnik.

Staff present: Mark DeLuca, Acting Executive Secretary; John Seefried, Acting Chief, Construction Inspection Division; Tina D. Hackett, Chief, Real Estate Services Division and Jacqueline Somervell, Real Estate Services Division, Department of Public Works.

Mr. Stokes called the meeting to order at approximately 7:30 p.m.

1. **Approval of minutes:** The first item on the agenda is the approval of the minutes of February 10, 2009. Mr. Stokes asked if there were any comments or questions from the February 10, 2009 minutes.

Motion: On a motion made by Ms. Carroll and seconded by Mr. Smith, the Board unanimously approved the minutes of February 10, 2009.

2. **Road Acceptance Hearing**

- (a) Subdivision: GTW's Waverly Woods, Section 13, Open Space Lots 1 thru 18 and Bulk Parcels 'A' thru 'D'
Road Agreement No. F-04-058 24-4174-D
Road Names: Hillingdon Road and Enfield Drive
Petitioner: Waverly Woods Development Corporation

Staff Presentation: Ms. Tina Hackett, Chief, Real Estate Services Division, indicated that Waverly Woods Development Corporation has presented a petition to the Director of Public Works for the acceptance in fee simple title to Hillingdon Road and Enfield Drive located in GTW's Waverly Woods, Section 13, Open Space Lots 1 thru 18 and Bulk Parcels 'A' thru 'D'. The Bureau of Engineering has inspected the subdivision and certifies that all public improvements have been constructed in accordance with the approved plans and specifications and meets the criteria for acceptance under Section 18.202 of the Howard County Code. There is one item that is incomplete – the removal and replacement of 15 feet of curb along Enfield Drive. The Construction Inspection Division recommends the developer post \$500 to cover the cost of the work and six months to complete the work. The developer has entered into a sidewalk agreement and posted a check for \$500. The Bureau of Engineering recommends that the public improvements be accepted into the County's system of publicly owned and maintained facilities.

Board Comments: Mr. Stokes asked if there were any questions from the Board. There were none.

Public Testimony: Mr. Stokes asked if there were any comments from the audience. None.

Motion: On a motion made by Ms. Spitulnik and seconded by Mr. Smith, the Board unanimously recommended that the Director of Public Works accept the public improvements located in GTW's Waverly Woods, Section 13, Open Space Lots 1 thru 18 and Bulk Parcels 'A' thru 'D' into the County's system of publicly owned and maintained facilities.

- (b) Subdivision: Trotters Run, Lots 1-12 and Open Space Lots 13-15
Road Agreement No. F-05-012 34-4081-D
Road Names: Swimmer Row Way
Petitioner: Cornerstone Holdings, L.L.C.

Staff Presentation: Ms. Hackett indicated that Cornerstone Holdings, L.L.C. has presented a petition to the Director of Public Works for the acceptance in fee simple title to Swimmer Row Way located in Trotters Run, Lots 1-12 and Open Space Lots 13-15. The Bureau of Engineering has inspected the subdivision and certifies that all public improvements have been constructed in accordance with the approved plans and specifications and meets the criteria for acceptance under Section 18.202 of the Howard County Code. The Bureau of Engineering recommends that the public improvements be accepted into the County's system of publicly owned and maintained facilities.

Board Comments: Mr. Stokes asked if there were any pending items. Ms. Hackett indicated there were none. Mr. Stokes asked if there were any questions from the Board.

Mr. Higgins stated that he visited the site and had some comments. Mr. Higgins was concerned with the S-curve on Swimmer Row Way – the area adjacent to the road is a reforestation area and is lower than the road. Mr. Higgins suspects that the side slopes from the road down to the forest area may be steeper and/or deeper than is required by the Design Manual without a guardrail or traffic barrier. Mr. Higgins stated he would recommend that the Board table any review or approval of this project until the developer or the developer's engineer can determine if the slopes meet the Design Manual or if a safety barrier is required. There is no curb or shoulder between the road and the slope. The concern is for the safety of children or adults on bicycles who might go over the road and down the slope. Mr. Higgins recommends that we table action until we get a response from the developer, the builder or the Department of Engineering. Mr. Stokes asked if there were any other comments.

Mr. Stokes thanked Mr. Higgins for bringing this matter to the Board's attention.

Mr. John Seefried, Construction Inspection Division stated for clarification that there are curbs on both sides of the road. Normally Construction Inspection doesn't get into the level of detail that is being discussed relative to the plan. When the Board raises a question, normally Mr. Seefried would measure it himself – due to the magnitude of this concern, he is not comfortable taking on that survey. Mr. Seefried will go back to the engineer of record and ask if this slope is in compliance with the Design Manual.

Mr. Stokes asked what type of elevation difference is there from the road edge. Mr. Higgins stated Mr. Seefried is correct, there is a curb there - but it is mountable. At the first curve the depth is about 10 feet from the road down to the floor of the forest; however, the slope is quite steep. It is steeper than the 2:1 which is the requirement of the Manual. At the second part of the S-curve the slope appears to 2:1; however, floor is a good 15 feet down.

Mr. Stokes asked if there were any comments or objections to tabling this matter. Ms. Hackett stated that since there is no Public Works Board hearing in May, if this matter is tabled – it will be tabled for two months. With the economic times, if the inspection determines that the slope is acceptable, the developer will be held up in getting his surety released until after the June hearing.

Mr. Stokes asked if the Department of Public Works would have an answer within the next 2-3 weeks and if so, would it be possible to arrange a conference call to vote on the matter.

Mr. Seefried stated if this is the only outstanding issue, could the Board approve the acceptance subject to the Department determining if the guardrail is required. Mr. Stokes asked the Board members for their thoughts. He indicated he was not comfortable with an approval subject to the Departments review – he wanted more data in order to make a final decision. Ms. Spitulnik stated the Board could have a follow up conference call if the Department advises the work is in compliance. Mr. Higgins stated that if a report is given from Mr. Seefried that everything complies with the County standards then there is no basis for an objection. If we get that report the Board could communicate by telephone and could approve it. Mr. Stokes asked that photographs of the area be sent to the Board electronically to help visualize the area being discussed. Ms. Hackett stated that once Mr. Seefried is satisfied with the results of the developer and/or his engineer, we will schedule a conference call.

Mr. Stokes asked the Board if everyone is agreeable to a conference call to vote on this matter once the department is satisfied that the Design Manual requirements have been met. The Board said yes.

Public Testimony: None.

Conference Call - Additional Testimony: A conference call was held on May 4, 2009 in the Tyson 2 Conference Room. The Board members present were: Darryl Stokes, Mitchell Smith, Jr., Mike Higgins and Lisa S. Spitulnik. The County staff present were: Mark DeLuca, Acting Executive Secretary; John Seefried, Acting Chief, Construction Inspection Division; Tina D. Hackett, Chief, Real Estate Services Division and Jacqueline Somervell, Real Estate Services Division, Department of Public Works.

Mr. Stokes called the conference call to order at 1:10 p.m. verified that we had a quorum and presented Trotters Run, Lots 1-12 and Open Space Lots 13-15 for the Board's review and approval.

Mr. Seefried stated that at the April 14 meeting, there was a question as to whether or not a guardrail was required along the S-curve of the road. Since that time it has been established that the slopes and the distances that can be measured on site comply with the requirements of the Design Manual. However, after further consideration the County has elected at its own expense to add the guardrail to this location. Therefore the development can proceed accordingly.

Mr. Stokes asked what some of the factors were involved in the department making this decision. Mr. Seefried stated from the Construction Inspection perspective, because the drawings did not require it and that it is a subjective decision. If you look at the verbage from Design Manual III, it does not appear to be required by the chart that speaks to the slopes and the distances. Then it becomes a decision of whether it would be better to strike the guardrail with a wayward bar or go down the embankment into the woods. This is where it becomes subjective and the developer argued that it had been considered even though there was anything in writing. The approved plans did not require the guardrail.

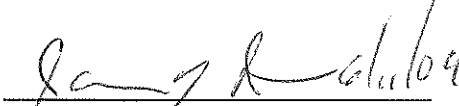
Mr. Stokes asked if there were any questions from the Board. Mr. Smith said that it was a good decision and Ms. Spitulnik said she agreed. Mr. Stokes asked if there were any other similar situation throughout the County that we might revisit any of those locations based on this decision.

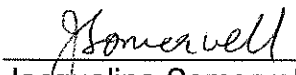
Mr. DeLuca clarified why the department's engineer recommended that the County install guardrail along this curve. Based on the geometry of the curve and the speed of the road, it does not meet the requirements for guardrail and so guardrail strictly by design would not be installed there. Given the situation and the type of curve - it was an option that the engineer exercised in his own professional judgment that the guardrail could be placed - so the County elected to install the guard rail. The Traffic Engineering Division is part of the Bureau of Highways and they constantly addressing issues like this every day where they go out and put guardrail where there is no guardrail. To answer the question; (1) it is not precedent setting and (2) any road that is currently in service when the County or a resident raises a concern about the safety or use of guardrail, is evaluated. If it meets the criteria or the department feels the road would be better served with a guardrail, then it is installed. Mr. Stokes asked if there were any additional questions from the Board.

Motion: On May 4, 2009 at 1:10 p.m. a motion was made by Ms. Spitulnik and seconded by Mr. Smith, the Board unanimously recommended that the Director of Public Works accept the public improvements located in Trotters Run, Lots 1-12 and Open Space Lots 13-15.

Ms. Hackett stated there will not be a meeting in May and reminded the Board that Financial Disclosures are due by May 1.

There being no further business, the Public Works Board meeting of April 14 was adjourned at approximately 7:45 p.m. The conference call was adjourned at approximately 1.25 p.m.


James M. Irvin
Executive Secretary


Jacqueline Somervell
Recording Secretary